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15 *Attorneys for Defendant,*  
16 *99 CENTS ONLY STORES LLC*

17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 MICHELLE D. CRENSHAW, an individual.

20 Plaintiff,

CASE NO.:

21 vs.

22 99 CENTS ONLY STORES, LLC.; DOES I  
23 through XXX, inclusive and ROE BUSINESS  
24 ENTITIES I through XXX, inclusive,

25 Defendants.

26 **DEFENDANT, 99 CENTS STORE ONLY, LLC' S NOTICE OF REMOVAL OF**  
**ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

27 Defendant, 99 CENTS ONLY STORES LLC, by its undersigned attorneys, LEW  
28 BRANDON, JR., ESQ., ANDREW GUZIK, ESQ., and HOMERO GONZALEZ, ESQ., of  
BRANDON | SMERBER LAW FIRM, hereby removes the above-captioned case to the United  
States District Court, Clark County, Nevada, where the action is now pending, pursuant to 28  
USC § 1441(a) and states as follows:

1       1. The above-entitled action was commenced in the Eighth Judicial District Court,  
2 Clark County, State of Nevada on June 15, 2022, bearing Case No. A-22-854101-C. The action  
3 is now pending in the Eighth Judicial District Court, Clark County, State of Nevada.

4       2. Plaintiff filed her initial complaint on or about June 15, 2022. Plaintiff's  
5 Complaint fails to state that this case is one which is or has become removable. *See Harris v.*  
6 *Bankers Life & Cas. Co.*, 425 F.3d 689 (9th Cir. 2005). Defendant, 99 Cents Only Stores, LLC.  
7 filed an Answer to the initial complaint on July 11, 2022.

8       3. Plaintiff filed her Request for Exemption from Arbitration on August 5, 2022,  
9 citing a probable jury award in excess of Nevada's Arbitration cap.

10      4. Plaintiff is claiming past medical special damages in the amount of \$54,610.60  
11 (not including updated medical billing, according to Plaintiff's Request for Exemption from  
12 Arbitration), along with general damages and loss in excess of \$15,000.00, economic damages,  
13 prejudgment interest, reasonable attorney's fees, and reasonable costs.

14      5. This Notice of Removal was filed timely as it was filed within thirty (30) days of  
15 service of Plaintiff's Request for Exemption from Arbitration, filed on August 5, 2022, which  
16 was the first motion, order or other paper from which it could first be ascertained that this case is  
17 one which is or has become removable. *See 28 U.S.C. 1446(b); Harris*, 425 F.3d 689.

18      6. Pursuant to Fed. R. Civ. P. 6 (a), the last day of the thirty (30) day period set forth  
19 under 28 U.S.C. 1446(b) is September 6, 2022 (September 4 is a Sunday and September 5 is the  
20 Labor Day Federal Holiday). *See 28 U.S.C. 1446(b), Harris*, 425 F.3d 689.

21      7. This action concerns Plaintiff's Complaint, in which she alleged two causes of  
22 action: (1) Negligence; and (2) Negligent Hiring, Training, Supervision, and Retention.

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1       8.       At the commencement of this action and at the time of the filing of this Notice of  
2 Removal, Plaintiff, MICHELLE D. CRENSHAW was, and now is, a citizen of the County of  
3 Clark, State of Nevada.

4       9.       At the commencement of this action and at all times herein, Defendant, 99  
5 CENTS ONLY STORES, LLC, was, and now is, a limited liability company duly organized and  
6 existing under the laws of the County of Los Angeles, State of California with its principal place  
7 of business in California, and therefore, is a citizen of the State of California.

8       10.      A limited liability company is a citizen of every state in which its members are  
9 citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Where  
10 removal from state to federal court is at issue, the party seeking removal “bears the burden of  
11 establishing federal jurisdiction . . . .” *Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015).

12      11.      Here, 99 CENTS ONLY STORES, LLC’s sole member is NUMBER  
13 HOLDINGS, INC., a Delaware Corporation. NUMBER HOLDINGS, INC. is organized under  
14 the laws of the State of Delaware with its principal place of business in Los Angeles County,  
15 California. In short, Defendant 99 CENTS ONLY STORES, LLC is an entity that has its principal  
16 place of business in Los Angeles County, California, and NUMBER HOLDINGS, INC., is  
17 organized under the laws of the State of Delaware with its principal place of business in Los  
18 Angeles County, California. *Id.* Thus, for purposes of diversity analysis, 99 CENTS ONLY  
19 STORES, LLC and NUMBER HOLDINGS, INC., are citizens of California and Delaware.

20      12.      Upon information and belief, Plaintiff, MICHELLE D. CRENSHAW claims past  
21 medical special damages in the amount of \$54,610.60 (not including updated medical billing,  
22 according to Plaintiff’s Request for Exemption from Arbitration), along with general damages  
23 and loss in excess of \$15,000.00, economic damages, prejudgment interest, reasonable attorney’s  
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fees, and reasonable costs. Further, Plaintiff is claiming pain and suffering. As a result, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

13. The United States District Court for the District of Nevada has original jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of different States and the amount in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interests and costs.

14. Accordingly, Plaintiff's Complaint is removed pursuant to 28 U.S.C. 1441, which provides that a defendant may remove a case over which the federal court has original jurisdiction.

15. A copy of all process and pleadings served and filed in this matter are attached hereto as **Exhibit A**.

WHEREFORE, Defendant, 99 CENTS STORE ONLY, LLC, a California limited liability company respectfully requests that this action proceed in the United States District Court for the District of Nevada as an action properly removed to it under the diversity of citizenship statute.

DATED this 9<sup>th</sup> day of August 2022.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.  
**LEW BRANDON, JR., ESQ.**  
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*Attorneys for Defendant,*  
**99 CENTS ONLY STORES LLC**

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on August 9, 2022, I served the foregoing

**DEFENDANT, 99 CENTS STORE ONLY, LLC'S NOTICE OF REMOVAL OF ACTION**

**TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** via the Court's

electronic filing and service systems to all parties on the current service list.

# RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

ADRIAN KARIMI, ESQ.

Nevada Bar No. 13514

## LADAH LAW FIRM

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MICHELLE D. CRENS

/s/ Maybelline Valle

An Employee of BRANDON | SMERBER LAW FIRM

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